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FISH & RICHARDSON, P.C. PO BOX 1022 MINNEAPOLIS, MN 55440-1022			TAN, ALVIN H	
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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* UDO KLEIN, UWE KLINGER, and MARTIN SCHOLZ

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Appeal 2009-003931  
Application 10/675,919  
Technology Center 2100

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Decided: March 23, 2010

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Before JEAN R. HOMERE, ST. JOHN COURTENAY III, and  
STEPHEN C. SIU *Administrative Patent Judges*.

COURTENAY, *Administrative Patent Judge*.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134(a) (2002) from the Examiner's rejection of claims 1-18. We have jurisdiction under 35 U.S.C. § 6(b).

We reverse.

STATEMENT OF THE CASE

INVENTION

The invention on appeal relates generally to computer interfaces that successively display panels. (Spec. 1)

ILLUSTRATIVE CLAIM

1. A method of successively displaying panels in a computer user interface, the method comprising:

displaying a first panel of a plurality of panels in a computer user interface, each of the panels including different information and the computer user interface having a plurality of navigation controls by which a user can navigate to any one of the panels to access its information, wherein a first setting of the navigation controls causes the first panel to be displayed;

receiving a user input requesting access to information on a second panel in the computer user interface, there being at least two different settings of the navigation controls that will cause the second panel to be displayed; and

ceasing to display the first panel and displaying the second panel using one of the at least two different settings by which more of the navigation controls remain unchanged from the first setting.

#### PRIOR ART

The Examiner relies upon the following references as evidence:

McCormack	US 6,243,088 B1	June 5, 2001
Ulder	US 2005/0010877 A1	Jan. 13, 2005
Aiken	US 6,341,359 B1	Jan. 22, 2002

MICROSOFT, “*HOW TO: VIEW PREVIOUSLY-OPENED FOLDERS WHEN YOU LOG ON TO WINDOWS XS,*” OCT. 2002.

#### THE REJECTIONS

1. The Examiner rejected claims 1-5, 8, 12-16, and 18 under 35 U.S.C. § 102(b) as anticipated by McCormack.
2. The Examiner rejected claims 6 and 7 under 35 U.S.C. §103(a) as unpatentable over McCormack and Ulder.
3. The Examiner rejected claims 9, 10, and 17 under 35 U.S.C. §103(a) as unpatentable over McCormack and Aiken.
4. The Examiner rejected claim 11 under 35 U.S.C. §103(a) as unpatentable over McCormack and Microsoft.

#### ISSUE

Based upon our review of the administrative record, we have determined that the following issue is dispositive in this appeal:

Under § 102, did the Examiner err by finding that McCormack discloses or describes “ceasing to display the first panel and displaying the second panel using one of the *at least two different settings by which more of the navigation controls remain unchanged from the first setting?*” (Claim 1, emphasis added; *see also* the commensurate language of independent claim 15).

## PRINCIPLES OF LAW

### *Anticipation under § 102*

In rejecting claims under 35 U.S.C. § 102, “[a] single prior art reference that discloses, either expressly or inherently, each limitation of a claim invalidates that claim by anticipation.” *Perricone v. Medicis Pharm. Corp.*, 432 F.3d 1368, 1375 (Fed. Cir. 2005) (citing *Minn. Mining & Mfg. Co. v. Johnson & Johnson Orthopaedics, Inc.*, 976 F.2d 1559, 1565 (Fed. Cir. 1992)).

Anticipation of a patent claim requires a finding that the claim at issue ‘reads on’ a prior art reference. In other words, if granting patent protection on the disputed claim would allow the patentee to exclude the public from practicing the prior art, then that claim is anticipated, regardless of whether it also covers subject matter not in the prior art.

*Atlas Powder Co. v. IRECO, Inc.*, 190 F.3d 1342, 1346 (Fed. Cir. 1999) (citations omitted).

## FINDINGS OF FACT

In our analysis *infra*, we rely on the following findings of fact (FF) that are supported by the record:

### The McCormack Reference

1. McCormack discloses panel 210 which includes Next button 250, a Previous button 252, and a Cancel button 254. These or similar user interface objects are on some or all of the panels associated with tasks 230, 232, and 234. (Col. 6, ll. 22-28; Fig. 2).

2. McCormack discloses that selection of the Cancel button causes the software application to cease displaying the current panel and to return to displaying the main screen 202. (Col. 6, ll. 55-57).
3. McCormack discloses that panel 210 may be reached by task 230, or task 232. (Fig. 2).
4. McCormack teaches that selection of the Next button causes the software application to cease displaying the current panel and to begin displaying the next panel in the panel sequence of the task being performed. (Col. 6, ll. 39-44).

#### ANALYSIS

We decide the question of whether the Examiner erred by finding that McCormack discloses or describes ceasing to display the first panel and displaying the second panel using one of the at least two different settings by which more of the navigation controls remain unchanged from the first setting. (*See* Independent claim 1 and the commensurate language of independent claim 15).

Appellants contend that although McCormack discloses that the task being executed controls which panel is displayed and some or all of the navigation buttons are present on “some or all” of the panels associated with tasks 230, 232, and 234, McCormack does not disclose ceasing to display the first panel and displaying the second panel using one of the tasks by which more of the navigation buttons (next, previous, or cancel) remain unchanged from a different task. (App. Br. 5, 2<sup>nd</sup> full para.).

The Examiner contends that McCormack teaches that by using a first set of navigation controls for a first panel (208), one can traverse from main screen 202, through task 230 to panels 206 and 208, using the Next button 250. The Examiner further contends that in order to display the second panel 210, there are at least two different settings that can be used to reach 210. (Ans. 13). According to the Examiner, the first setting uses Next button 250 from panel 208 to reach 210. A second setting uses the Next button 250 from panel 218 to reach 210, which is accomplished by using the Cancel button 254 to go to the main screen 202. (Id.).

Based upon our review of the record, we agree with Appellants' arguments. (*See* Reply Br. pg. 4, para. 4 – pg. 5, para. 1). At the outset, we find that the Examiner's construction of the term "setting" is unreasonably broad. According to the teachings of McCormack, more than one path or sequence can include a particular panel, for example panel 210, which may be reached by two different paths. (FF 3). However, we find in either case, McCormack discloses that panel 210 is reached by using the Next button 250 from the previous panel. (FF 3-4). Therefore, we find that McCormack discloses two different *paths/tasks* and not two different *settings*, as recited in each of independent claims 1 and 15.

Further, we do not find, nor has the Examiner established, that McCormack discloses or describes one of the settings in which more of the navigation controls remain unchanged than another setting, as required by the language of claims 1 and 15. The Examiner argued that the Cancel button may remain unchanged in the two paths disclosed in McCormack (discussed *supra*). (Ans. 13). However, it is our view that one button

Appeal 2009-003931  
Application 10/675,919

(Cancel) remaining unchanged does not equate to “more of the navigation controls remain unchanged from the first setting,” as recited in independent claims 1 and 15. (FF 1-2).

Based on the record before us, we find the Examiner erred in rejecting independent claims 1 and 15. Accordingly, we reverse the Examiner’s anticipation rejection of independent claims 1 and 15, and associated dependent claims 2-5, 8, 12-14, 16 and 18.

#### Obviousness Rejections

We do not find, nor has the Examiner established, that Ulder, Aiken, or Microsoft, cure the deficiencies of McCormack discussed *supra*.

Accordingly, we reverse the Examiner rejections of dependent claims 6, 7, 9-11, and 17 under §103.

#### CONCLUSION

Based on the findings of facts and analysis above:

We find the Examiner erred by determining that McCormack discloses or describes ceasing to display the first panel and displaying the second panel using one of the at least two different settings by which more of the navigation controls remain unchanged from the first setting. (See Independent claim 1 and the commensurate language of independent claim 15).

Appeal 2009-003931  
Application 10/675,919

ORDER

We reverse the Examiner's rejection of claims 1-5, 8, 12-16, and 18 under 35 U.S.C. § 102(b).

We reverse the Examiner's rejection of claims 6, 7, 9-11, and 17 under 35 U.S.C. §103(a).

REVERSED

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